IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 181 OF 2006

Sandeep K. Vakharia ... Applicant

versus

Sanjay K. Vakharia ... Respondent

Mr. Sanjay Jain, instructed by M/s. LJ Law for the applicant.
Mr. R.M. Bhandari for the respondent.

CORAM: **SWATANTER KUMAR, C.J.** &

DATE: AUGUST 24, 2007.

P.C.

Learned counsel appearing for the parties, on instructions from their respective clients, submit that this application can be disposed of on the following terms.

(i) There is no dispute to the existence or validity of the arbitration agreement and they have no objection for appointment of a sole Arbitrator.

(ii) Upon appointment of the sole Arbitrator and after the Arbitrator enters upon the reference, the respondent should be granted liberty to move an application before the Arbitrator to defer the cost and payment of fee to the Arbitrator till conclusion of the proceedings or for any other appropriate orders as the applicant

may request the Arbitrator to be passed. The plea taken is that the financial position of the respondent does not permit him to take the liability of the arbitration proceedings.

2. Be that as it may, in view of the above stand taken by the learned counsel appearing for the parties, they pray that Justice A.B. Palkar, retired Judge of this Court may be appointed as sole Arbitrator. Mr. A.B. Palkar, retired Judge of this Court is appointed as sole Arbitrator. Liberty to the parties to appear before the sole Arbitrator and file such applications as they may consider fit and proper in the circumstances of the case. The application is accordingly disposed of leaving the parties to bear their own costs.

CHIEF JUSTICE